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Security Council

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# Resolution 1769 (2007)

## Adopted by the Security Council at its 5727th meeting, on 31 July 2007

*The Security Council*,

*Recalling* all its previous resolutions and presidential statements concerning the situation in Sudan,

*Reaffirming* its strong commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and to the cause of peace, and *expressing its determination* to work with the Government of Sudan, in full respect of its sovereignty, to assist in tackling the various problems in Darfur, Sudan,

*Recalling* the conclusions of the Addis Ababa high-level consultation on the situation in Darfur of 16 November 2006 as endorsed in the communiqué of the 66th meeting of the Peace and Security Council of the African Union held in Abuja on 30 November 2006 as well as the communiqué of 79th meeting of the Peace and Security Council of the African Union on 22 June 2007, *recalling* the statement of its President of 19 December 2006 endorsing the Addis Ababa and Abuja agreements, *welcoming* the progress made so far and *calling* for them to be fully implemented by all parties without delay and for all parties to facilitate the immediate deployment of the United Nations Light and Heavy Support packages to the African Union Mission in the Sudan (AMIS) and a Hybrid operation in Darfur, for which back-stopping and command and control structures will be provided by the United Nations, and *recalling* that co-operation between the UN and the regional arrangements in matters relating to the maintenance of peace and security is an integral part of collective security as provided for in the Charter of the United Nations,

*Re-affirming* also its previous resolutions 1325 (2000) on women, peace and security, 1502 (2003) on the protection of humanitarian and United Nations personnel, 1612 (2005) on children and armed conflict and the subsequent conclusions of the Security Council Working Group on Children in Armed Conflict pertaining to parties to the armed conflict in Sudan (S/2006/971), and 1674 (2006) on the protection of civilians in armed conflict, as well as *recalling* the report of its Mission to Addis Ababa and Khartoum from 16 to 17 June 2007,

*Welcoming* the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007,

07-44552 (E)

*Commending* in this regard the agreement of Sudan that the Hybrid operation shall be deployed in Darfur, as detailed in the conclusions of the high-level AU/UN consultations with the Government of Sudan in Addis Ababa on 12 June 2007 and confirmed in full during the Council's meeting with the President of Sudan on 17 June in Khartoum,

*Recalling* the Addis Ababa Agreement that the Hybrid operation should have a predominantly African character and the troops should, as far as possible, be sourced from African countries,

*Commending* the efforts of the African Union for the successful deployment of AMIS, as well as the efforts of member states and regional organisations that have assisted it in its deployment, *stressing* the need for AMIS, as supported by the United Nations Light and Heavy Support Packages, to assist implementation of the Darfur Peace Agreement until the end of its mandate, *calling upon* the Government of Sudan to assist in removing all obstacles to the proper discharge by AMIS of its mandate; and *recalling* the communiqué of the 79th meeting of the Peace and Security Council of the African Union of 22 June to extend the mandate of AMIS for an additional period not exceeding six months until 31 December 2007,

*Stressing* the urgent need to mobilise the financial, logistical and other support and assistance required for AMIS,

*Welcoming* the ongoing preparations for the Hybrid operation, including the putting in place of logistical arrangements in Darfur, at United Nations Headquarters and the African Union Commission Headquarters, force and police generation efforts and on-going joint efforts by the Secretary General and the Chairperson of the African Union to finalise essential operational policies, and *further welcoming* action taken so that appropriate financial and administrative mechanisms are established to ensure the effective management of the Hybrid,

*Re-iterating* its belief in the basis provided by the Darfur Peace Agreement for a lasting political solution and sustained security in Darfur, *deploring* that the Agreement has not been fully implemented by the signatories and not signed by all parties to the conflict in Darfur, *calling* for an immediate cease-fire, *urging* all parties not to act in any way that would impede the implementation of the Agreement, and *recalling* the communiqué of the second international meeting on the situation in Darfur convened by the African Union and United Nations Special Envoys in Tripoli from 15-16 July 2007,

*Noting with strong concern* on-going attacks on the civilian population and humanitarian workers and continued and widespread sexual violence, including as outlined in the Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur and the report of the Secretary-General of 23 February 2007, *emphasising* the need to bring to justice the perpetrators of such crimes and *urging* the Government of Sudan to do so, and *reiterating* in this regard its condemnation of all violations of human rights and international humanitarian law in Darfur,

*Reiterating* its deep concern for the security of humanitarian aid workers and their access to populations in need, *condemning* those parties to the conflict who have failed to ensure the full, safe and unhindered access of relief personnel to all those in need in Darfur as well as the delivery of humanitarian assistance, in particular to internally displaced persons and refugees, and *recognising* that, with

many citizens in Darfur having been displaced, humanitarian efforts remain a priority until a sustained cease-fire and inclusive political process are achieved,

*Demanding* that there should be no aerial bombings and the use of United Nations markings on aircraft used in such attacks,

*Reaffirming* its concern that the ongoing violence in Darfur might further negatively affect the rest of Sudan as well as the region, *stressing* that regional security aspects must be addressed to achieve long-term peace in Darfur, and *calling* on the Governments of Sudan and Chad to abide by their obligations under the Tripoli Agreement of 8 February 2006 and subsequent bilateral agreements,

*Determining* that the situation in Darfur, Sudan continues to constitute a threat to international peace and security,

1. *Decides*, in support of the early and effective implementation of the Darfur Peace Agreement and the outcome of the negotiations foreseen in paragraph 18, to authorise and mandate the establishment, for an initial period of 12 months, of an AU/UN Hybrid operation in Darfur (UNAMID) as set out in this resolution and pursuant to the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007, and *further decides* that the mandate of UNAMID shall be as set out in paragraphs 54 and 55 of the report of the Secretary General and the Chairperson of the African Union Commission of 5 June 2007;

2. *Decides* that UNAMID, which shall incorporate AMIS personnel and the UN Heavy and Light Support Packages to AMIS, shall consist of up to 19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component including up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each;

3. *Welcomes* the appointment of the AU-UN Joint Special Representative for Darfur Rodolphe Adada and Force Commander Martin Agwai, and *calls* on the Secretary-General to immediately begin deployment of the command and control structures and systems necessary to ensure a seamless transfer of authority from AMIS to UNAMID;

4. *Calls* on all parties to urgently facilitate the full deployment of the UN Light and Heavy Support Packages to AMIS and preparations for UNAMID, and *further calls* on member states to finalise their contributions to UNAMID within 30 days of the adoption of this resolution and on the Secretary-General and the Chairperson of the African Union Commission to agree the final composition of the military component of UNAMID within the same time period;

5. *Decides* that:

(a) no later than October 2007, UNAMID shall establish an initial operational capability for the headquarters, including the necessary management and command and control structures, through which operational directives will be implemented, and shall establish financial arrangements to cover troops costs for all personnel deployed to AMIS;

(b) as of October 2007, UNAMID shall complete preparations to assume operational command authority over the Light Support Package, personnel currently deployed to AMIS, and such Heavy Support Package and hybrid personnel as may be deployed by that date, in order that it shall perform such tasks under its mandate

as its resources and capabilities permit immediately upon transfer of authority consistent with sub-paragraph (c) below;

(c) as soon as possible and no later than 31 December 2007, UNAMID having completed all remaining tasks necessary to permit it to implement all elements of its mandate, will assume authority from AMIS with a view to achieving full operational capability and force strength as soon as possible thereafter;

6. *Requests* the Secretary General to report to the Council within 30 days of the passage of this resolution and every 30 days thereafter, on the status of UNAMID's implementation of the steps specified in paragraph 5, including on the status of financial, logistical, and administrative arrangements for UNAMID and on the extent of UNAMID's progress toward achieving full operational capability;

7. *Decides* that there will be unity of command and control which, in accordance with basic principles of peacekeeping, means a single chain of command, *further decides* that command and control structures and backstopping will be provided by the United Nations, and, in this context, *recalls* the conclusions of the Addis Ababa high level consultation on the situation in Darfur of 16 November;

8. *Decides* that force and personnel generation and administration shall be conducted as set out in paragraphs 113-115 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007, and *requests* the Secretary-General to put in place without delay the practical arrangements for deploying UNAMID including submitting to the General Assembly recommendations on funding and effective financial management and oversight mechanisms;

9. *Decides* that UNAMID shall monitor whether any arms or related material are present in Darfur in violation of the Agreements and the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004);

10. *Calls* on all Member States to facilitate the free, unhindered and expeditious movement to Sudan of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive use of UNAMID in Darfur;

11. *Stresses* the urgent need to mobilise the financial, logistical and other support required for AMIS, and *calls* on member states and regional organisations to provide further assistance, in particular to permit the early deployment of two additional battalions during the transition to UNAMID;

12. *Decides* that the authorised strength of UNMIS shall revert to that specified in resolution 1590 (2005) upon the transfer of authority from AMIS to UNAMID pursuant to paragraph 5(c);

13. *Calls* on all the parties to the conflict in Darfur to immediately cease all hostilities and commit themselves to a sustained and permanent cease-fire;

14. *Demands* an immediate cessation of hostilities and attacks on AMIS, civilians and humanitarian agencies, their staff and assets and relief convoys, and *further demands* that all parties to the conflict in Darfur fully co-operate with AMIS, civilians and humanitarian agencies, their staff and assets and relief convoys, and

give all necessary assistance to the deployment of the United Nations Light and Heavy Support Packages to AMIS, and to UNAMID;

15. Acting under Chapter VII of the Charter of the United Nations:

(a) *decides* that UNAMID is authorised to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities in order to:

(i) protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers,

(ii) support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of Sudan;

(b) *requests* that the Secretary-General, in consultation with the Chairperson of the African Union Commission, and the Government of Sudan conclude within 30 days a status-of-forces agreement with respect to UNAMID, taking into consideration General Assembly resolution 58/82 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel and General Assembly resolution 61/133 on the Safety and Security of Humanitarian Personnel and the Protection of United Nations Personnel, and *decides* that pending the conclusion of such an agreement the model status-of-forces agreement dated 9 October 1990 (A/45/594) shall provisionally apply with respect to UNAMID personnel operating in that country;

16. *Requests* the Secretary-General to take the necessary measures to achieve actual compliance in UNAMID with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the United Nations code of conduct, and to further take all necessary action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training and, in the case of forces previously deployed under AU auspices, post-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

17. *Calls* on all concerned parties to ensure that the protection of children is addressed in the implementation of the Darfur Peace Agreement, and *requests* the Secretary-General to ensure continued monitoring and reporting of the situation of children and continued dialogue with parties to the conflict towards the preparations of time-bound action plans to end recruitment and use of child soldiers and other violations against children;

18. *Emphasises* there can be no military solution to the conflict in Darfur, *welcomes* the commitment expressed by the Government of Sudan and some other parties to the conflict to enter into talks and the political process under the mediation, and in line with the deadlines set out in the roadmap, of the United

Nations Special Envoy for Darfur and the African Union Special Envoy for Darfur, who have its full support, *looks forward* to these parties doing so, *calls* on the other parties to the conflict to do likewise, and *urges* all the parties, in particular the non-signatory movements, to finalise their preparations for the talks;

19. *Welcomes* the signature of a Joint Communiqué between the Government of Sudan and the United Nations on Facilitation of Humanitarian Activities in Darfur, and *calls* for it to be fully implemented and on all parties to ensure, in accordance with relevant provisions of international law, the full, safe and unhindered access of relief personnel to all those in need and delivery of humanitarian assistance, in particular to internally displaced persons and refugees;

20. *Emphasises* the need to focus, as appropriate, on developmental initiatives that will bring peace dividends on the ground in Darfur, including in particular, finalising preparations for reconstruction and development, return of IDPs to their villages, compensation and appropriate security arrangements;

21. *Requests* the Secretary-General to report to the Council for its consideration no later than every 90 days after the adoption of this resolution on progress being made on, and immediately as necessary on any obstacles to:

(a) the implementation of the Light and Heavy Support Packages and UNAMID,

(b) the implementation of the Joint Communiqué between the Government of Sudan and the United Nations on Facilitation of Humanitarian Activities in Darfur,

(c) the political process,

(d) the implementation of the Darfur Peace Agreement and the parties' compliance with their international obligations and their commitments under relevant agreements, and

(e) the cease-fire and the situation on the ground in Darfur;

22. *Demands* that the parties to the conflict in Darfur fulfil their international obligations and their commitments under relevant agreements, this resolution and other relevant Council resolutions;

23. *Recalls* the reports of the Secretary-General of 22 December 2006 (S/2006/1019) and 23 February 2007 (S/2007/97) which detail the need to improve the security of civilians in the regions of eastern Chad and north-eastern Central African Republic, *expresses* its readiness to support this endeavour, and *looks forward* to the Secretary-General reporting on his recent consultations with the Governments of Chad and CAR;

24. *Emphasises* its determination that the situation in Darfur shall significantly improve so that the Council can consider, in due course and as appropriate, and taking into consideration recommendations of the Secretary-General and the Chairperson of the African Union, the drawing down and eventual termination of UNAMID;

25. *Decides* to remain seized of the matter.